

**TCP/11/16(609) – 19/00630/FLL - Erection of a shed, 10  
Kinmond Drive, Perth, PH2 0TG**

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**TCP/11/16(609) – 19/00630/FLL - Erection of a shed, 10  
Kinmond Drive, Perth, PH2 0TG**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are comfortable with using 42.85% of the curtilage of our garden for our shed. It is the minimum size required to use as a snooker room for my 12 foot x 6 foot table. Obviously none of the rooms inside the house are suitable. If required, I am willing to sign a declaration that the shed will be dismantled if we decide to sell the house. No neighbours have objected, all conditions adhering to height have been met, and 42.85% is well under the 50% figure. We still will have plenty of usable garden after it is built, and the shed/snooker room will get plenty of use. It will be well constructed using hardwood and will not be of detriment to the surrounding area. The application was only required due to the final question on the checklist. I was given to understand that answering no to the questions would mean that planning permission would be a formality. Am happy to do whatever is required in order to play snooker in my garden.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Checklist  
Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed 

Date 12/06/19





Planning and Development  
 Perth & Kinross Council  
 Pullar House  
 35 Kinnoull Street  
 PERTH PH1 5GD

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)  
 Telephone: (01738) 475300

## CHECKLIST

### DO I NEED PLANNING PERMISSION FOR MY GARAGE/SHED GARDEN BUILDING?

If you answer **YES** to **ANY** of the following questions you **DO NEED PLANNING PERMISSION**

Tick answer

• Is your garage/shed/garden building for business use?	Yes	<input checked="" type="radio"/> No
• Will your garage/shed/garden building be out with your curtilage (e.g. in a separate garage court)?	Yes	<input checked="" type="radio"/> No
• Is your house a flat (e.g. in a tenement or "4-in-a-block" housing)?	Yes	<input checked="" type="radio"/> No
• Is your house a "Listed Building" or is it in a "Conservation Area" and, if so, will the proposed building have a footprint of more than 4 square metres?  * A list of Conservation areas can be found on our website at <a href="http://www.pkc.gov.uk/conservationareas">http://www.pkc.gov.uk/conservationareas</a> ** A search of Listed Buildings can be carried out on Historic Scotland's website at <a href="http://www.historic-scotland.gov.uk/historicandlistedbuildings">http://www.historic-scotland.gov.uk/historicandlistedbuildings</a>	Yes	<input checked="" type="radio"/> No
• Will any part of the development be within 1 metre of the boundary of the curtilage of the house and exceed 2.5 metres in height?	Yes	<input checked="" type="radio"/> No
• Will any part of the building be higher than 4 metres (13ft 1ins)?	Yes	<input checked="" type="radio"/> No
• Will the eaves height of the building be higher than 3m (9ft 9ins)?	Yes	<input checked="" type="radio"/> No
• Will part of the development be forward of a wall forming part of the principal elevation or side elevation, where that elevation fronts a road?	Yes	<input checked="" type="radio"/> No
• Will the area of ground covered by development within the front or rear (including side) curtilage of the house (excluding the original house and any hard surface or decking) would exceed 50% of the area of the front or rear curtilage respectively (again excluding the ground area of the original house and any hard surface or decking)?	Yes	<input checked="" type="radio"/> No
• Have ' <u>permitted development</u> ' rights been removed? You will need to check the original planning permission for the development. Permissions from 2007 onwards can be found on Public Access. Use the map search to find your plot. Please be aware that the map function on public access is not available when using tablets or mobile phones	<u>Yes</u>	No

30 metres  
 out of  
 70 metres  
 = 42.85%



**TCP/11/16(609) – 19/00630/FLL - Erection of a shed, 10  
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**PLANNING DECISION NOTICE**

**REPORT OF HANDLING**

**REFERENCE DOCUMENTS**



# PERTH AND KINROSS COUNCIL

Mr Paul Dix  
10 Kinmond Place  
Cherrybank  
Perth  
PH2 0TG

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 5th June 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00630/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 25th April 2019 for permission for **Erection of a shed 10 Kinmond Drive Perth PH2 0TG** for the reasons undernoted.

Interim Development Quality Manager

### Reasons for Refusal

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014.

### Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

**The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

Plan Reference

19/00630/1

19/00630/2



## REPORT OF HANDLING DELEGATED REPORT

Ref No	19/00630/FLL	
Ward No	P10- Perth City South	
Due Determination Date	24.06.2019	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a shed

**LOCATION:** 10 Kinmond Drive Perth PH2 0TG

### **SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 2 May 2019

### **SITE PHOTOGRAPHS**



### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application site relates to 10 Kinmond Drive which is a semi-detached dwellinghouse located in a modern residential development on the south western edge of Perth. Full planning consent is sought for the erection of a shed within the rear garden of the site. The rear garden is of a modest scale, fully enclosed with timber fencing on all boundaries. Residential properties bound the site to the east and west and open space to the north.

Generally, the proposal would be permitted development, however, a planning application is required as Condition 8 of planning consent 14/00269/AMM has

removed permitted development rights for Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) for semi-detached and terraced properties. In this case Class 3A is relevant.

Permitted development rights were removed where the private amenity space was tight and to allow control over future development, including house extensions and outbuildings, which would have the greatest impact on neighbouring amenity.

## **SITE HISTORY**

19/00183/LAW Erection of a summerhouse (proposed) (application returned)

19/00220/IPL Erection of a garden building (application returned)

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: N/A

## **NATIONAL POLICY AND GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2014 – Adopted February 2014**

The Local Development Plan is the most recent statement of Council policy and is augmented by Supplementary Guidance.



The principal policies are, in summary:

#### Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

#### Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

#### Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

#### Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent

with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

### **OTHER POLICIES**

None.

### **INTERNAL CONSULTATION RESPONSES**

Structures And Flooding – no objections.

Development Negotiations Officer – no contribution required.

### **REPRESENTATIONS**

None at time of report.

### **ADDITIONAL INFORMATION RECEIVED:**

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

## **Policy Appraisal**

The erection of an ancillary building within the garden of a domestic dwelling is generally considered to be acceptable in principle. Nevertheless, detailed consideration must be given to the specific details of the proposed development within the context of the application site, and whether it would have an adverse impact on residential and visual amenity.

The proposal will result in a loss of residential amenity to the application site itself, therefore, does not comply with the above policies.

## **Design, Layout and Visual Amenity**

The footprint of the proposed shed measures 4.5 metres by 6.5 metres and will reach a maximum height of 2.4 metres. It is of standard construction finished in timber, however, no detail has been provided as to whether vertically or horizontally hung. The drawings indicate the roof will be finished in epdm rubber.

The shed will be positioned approximately 2 metres from the rear wall of the dwellinghouse, 0.5 metres from the west boundary, 0.4 metres from the north boundary and 2 metres from the east boundary.

The design of the shed itself does not raise concerns other than it would have benefitted from having a pitched roof to improve its visual appearance. This, however, would have led to other issues in terms of overshadowing neighbouring garden ground due to the restricted plot sizes.

I have more serious concerns in respect of the scale of the proposed shed and loss of private amenity space which is addressed later in the report.

## **Landscape**

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

## **Private Amenity Space**

The proposed shed raises significant concerns in terms of its excessive footprint. The existing usable area of rear garden ground is particularly small measuring approximately 70 square metres and the proposed shed will result in around 40 square metres remaining after development.

The area is generally characterised by open-plan front gardens and as such private garden ground is located to the rear. I do not feel it is appropriate to remove such a large area of what is the only private amenity space. The site is, therefore, inadequate in size to satisfactorily accommodate this development without affecting the residential amenity of the existing house and as such is contrary to policy RD1.

A smaller, more appropriately scaled shed could be accommodated within the rear garden, however, this will require a fresh application.

### **Residential Amenity**

The neighbouring property to the west is a detached property which appears to have been extended and a shed located adjacent to the communal boundary. The location of the proposed shed, although extending 6.6 metres along the boundary, is unlikely to result in overshadowing to the neighbouring property due to the location of their shed and orientation of the existing dwellings.

The proposal does not raise any significant concerns in terms of neighbouring residential amenity, however, it will have a detrimental impact on the residential amenity of the application site itself. The useable garden ground remaining after development is not of a sufficient size to accommodate the existing property.

### **Roads and Access**

No changes are proposed to the existing parking or access arrangements.

### **Drainage and Flooding**

No drainage or flooding implications from the proposal.

### **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

### **Conditions and Reasons for Recommendation**

1. The proposals as submitted would result in a cramped and over-intensive development of the site and cause the loss of private amenity space, to the extent that the space around the dwellinghouse would be inadequate to serve the purposes of the existing dwellinghouse, to the detriment of the amenity of the house and surrounding area. Approval of the application would therefore be contrary to Policy RD1 of the Perth and Kinross Local Development Plan 2014.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **Informatives**

N/A

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

19/00630/1

19/00630/2

**Date of Report 4 June 2019**



## 10 Kinmond Drive, Perth, PH2 0TG



Map area bounded by: 309764,722498 309906,722640. Produced on 15 April 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2buk/339333/461361

# Block Plan + ELEVATIONS

1 square = 1 square metre

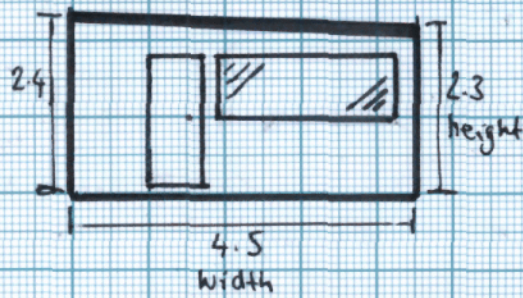
← 1:100



- clad in hardwood timber
- natural finish
- mahogany door
- roofing material - epdm rubber

## Shed Elevations

South ~~west~~ elevation



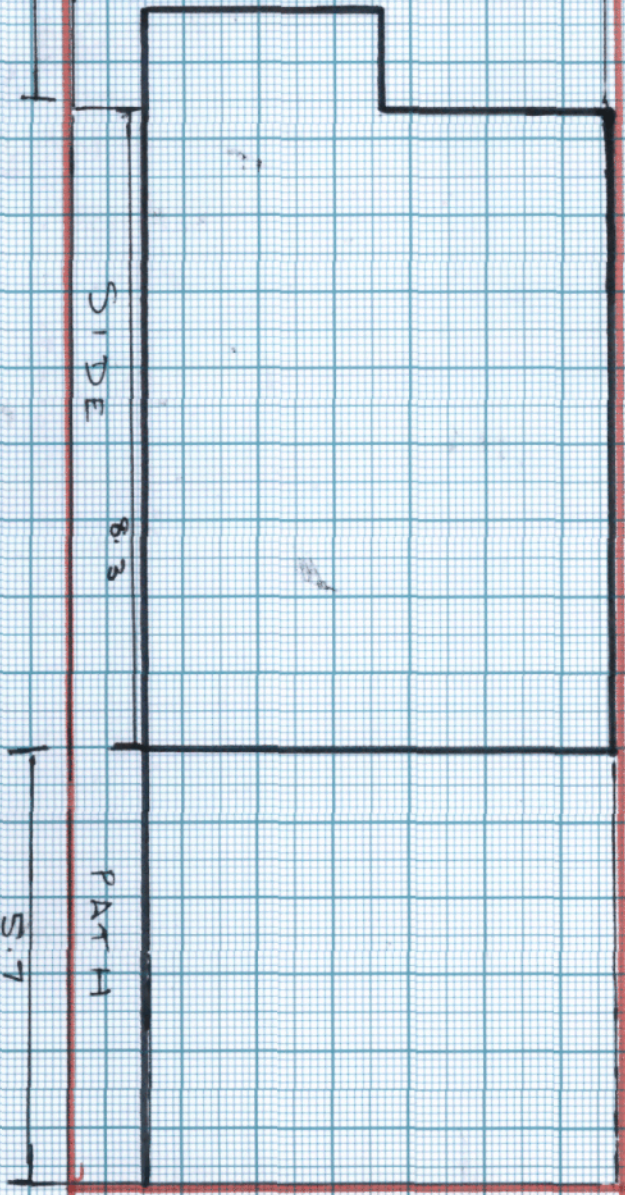
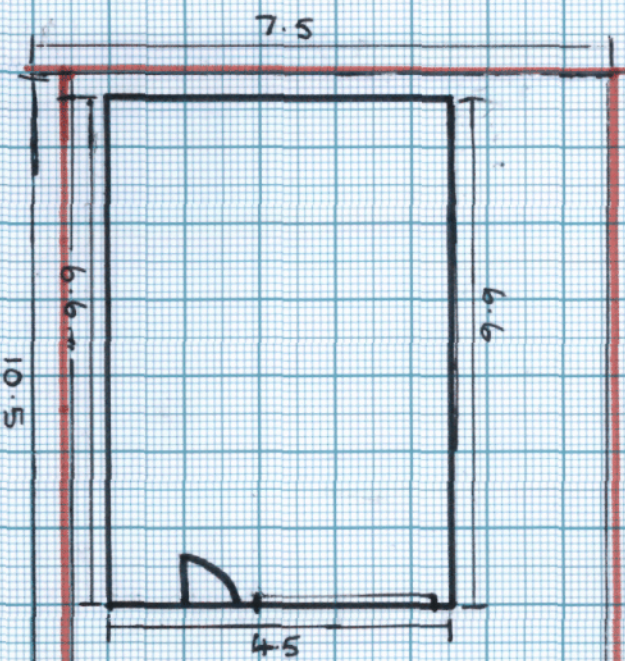
North elevation



West elevation



East elevation



10 KINMOND DRIVE  
ROAD



**TCP/11/16(609) – 19/00630/FLL - Erection of a shed, 10  
Kinmond Drive, Perth, PH2 0TG**

## **REPRESENTATIONS**



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/00630/FLL	<b>Comments provided by</b>	Gavin Bissett
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	██████████
<b>Description of Proposal</b>	Erection of a shed		
<b>Address of site</b>	10 Kinmond Drive Perth Perth And Kinross PH2 OTG		
<b>Comments on the proposal</b>	I have no objection to this application		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	26/04/19		



**Comments to the Development Quality Manager on a Planning Application**

<b>Planning Application ref.</b>	19/00630/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of a shed		
<b>Address of site</b>	10 Kinmond Drive, Perth, PH2 0TG		
<b>Comments on the proposal</b>	I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	13 May 2019		

